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| 10/071,560 | 02/08/2002 | Matthew C. Burch | 702.165 | 9891 |
| 38933 7590 02/18/2011 Garmin Switzerland GmbH C/O GARMIN INTERNATIONAL, INC. ATTN: Legal - IP 1200 EAST 151ST STREET OLATHE, KS 66062 | | | | |
| EXAMINER | | | | |
| ORTIZ, BELIX M | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PATENTS@GARMIN.COM

Office Action Summary

Application No.

10/071,560

Applicant(s)

BURCH, MATTHEW C.

Examiner

BELIX M. ORTIZ

Art Unit

2164

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-35, 38, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-35, 38, 47 is/are allowed.
- 6) ☒ Claim(s) 22-30 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communication files on October 22, 2010, Claims 22 and 31 have been amended; claims 46-47 have been added and claims 1-21, 36-37 and 39-45 have been canceled by applicant's request. Therefore, claims 22-35, 38, and 46-47 are presently pending in the application.

Claim Objections

2. Claims 22-35, 38 and 46-47 are objected to because of the following informalities:

In claims 22, 31 and 38, the recitations of "adapted to" and in claims 22 and 27-31, the recitation of "capable of" constitute intended use, therefore renders any recitation claimed after not be given patentable weight. The functionality claim may or may not occur. Appropriate correction is required.

Claims 23-30, 32-35, and 46-47 are objected to as been dependent of independent claims 22 and 31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-30 and 46 are rejected under 35 U.S.C. 103(a) (Eff. filing date of application:

2/8/2002) as being unpatentable over Ran (US Pat. 6,317,686) (Eff. filing date of application: 7/21/2000) in view DeLorme et al. (US Pub. 2003/0182052) (Eff. filing date of CON application: 8/31/1998) (Hereinafter DeLorme).

As to claim 22, Ran teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see figure 1, characters 14-18); and

a memory adapted to communicate to the processor (see figure 1, characters 1-5 and 14-18),

wherein at least one of the first and second user-specified endpoints is capable of being selected by a user-specified location (see column 22, lines 22-36).

Ran does not expressly teach wherein the memory includes a set of track log points corresponding to a first track log, the track log points indicating a plurality of previous locations of the navigational aid device, and

wherein the device is adapted to select a desired track log from the set of track log points corresponding to the first track log based on a first user-specified desired endpoint and a second user-specified desired endpoint.

DeLorme teaches integrated routing/mapping information system (see abstract) in which he teaches wherein the memory includes a set of track log points corresponding to a first track log, the track log points indicating a plurality of previous locations of the navigational aid device (see abstract and p. 13 and 137) (wherein "track log points" = waypoints, breadcrumb, GPS log), and

wherein the device is adapted to select a desired track log from the set of track log points corresponding to the first track log based on a first user-specified desired endpoint and a second user-specified desired endpoint (see p. 18) (wherein “track log points” = waypoints, breadcrumb, GPS log).

[02]The invention may include the capability to provide an interactive computer travel-planning guide for **determining a route between a user selected travel origin and travel destination following user selected intermediate waypoints along the way.**]

[13] The present invention is further designed to facilitate in a PDA/GPS configuration location marking and **breadcrumb or GPS log** functions which can be displayed on the PDA and/or uploaded, displayed, and otherwise processed back at the home-base desktop.]

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ran by the teaching of DeLorme, because wherein the memory includes a set of track log points corresponding to a first track log, the track log points indicating a plurality of previous locations of the navigational aid device, and wherein the device is adapted to select a desired track log from the set of track log points corresponding to the first track log based on a first user-specified desired endpoint and a second user-specified desired endpoint, would enable the GPS because, [0018] Another advantage is that IRMIS users in the field may simultaneously navigate a travel route generated by IRMIS software while recording or tracking locations or sequences of locations. Such locations may be designated by the user as new POIs and sequences of locations may **be transferred from the GPS receiver to the IRMIS desktop platform as an ordered waypoint list that designates a new travel route.** Further, fast and accurate surveying is enabled from GPS receiver location recording data made by the user in the field when transferred to the IRMIS desktop platform for computerized data mapping by the IRMIS software.

As to claim 23, Ran as modified teaches wherein the device includes a portable device (see Ran, figure 1, character 17).

As to claim 24, Ran as modified teaches wherein the device includes a cellular device (see Ran, figure 1, character 14).

As to claim 25, Ran as modified teaches wherein the device includes a Global Positioning System (GPS) receiver device (see Ran, column 22, lines 4-6).

As to claim 26, Ran as modified teaches wherein the device includes a Personal Digital Assistant (PDA) (see Ran, figure 1, character 16).

As to claim 27, Ran as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by manually entering a location (see Ran, column 17, lines 17-34 and column 22, lines 4-9).

As to claim 28, Ran as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a map feature (see Ran, column 17, lines 34-47).

As to claim 29, Ran as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using an address (see Ran, column 17, lines 34-47).

As to claim 30, Ran as modified teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a waypoint (see Ran, column 17, lines 34-47).

As to claim 46, Ran as modified teaches the device further including a display for presenting a visual indication of the desired track log (see DeLorme, p. 47)

[The monitor 117 screen is filled with an electronic analog map (or digital map) display 122 on which departure points, destinations and other waypoints can be entered or deleted and the shortest, fastest or otherwise optimized routes calculated, as described in more detail below. At the same time, in a multimedia window 120 superimposed upon the map display, the user 103 is engaged in viewing, hearing, or responding to a selectable, multimedia presentation related to points of interest and locations displayed on the underlying map screen 122.]

Allowable Subject Matter

Claims 31-35, 38, and 47 are allowed, but it needs to be rewritten to overcome the objection to claims 31 and 38.

The following is a statement of reasons for the indication of allowable subject matter: Upon searching a variety of databases, the examiner respectfully submits that the following claim language is not taught by the prior art in conjunction with other recited limitations of its claim: “receiving user-specified desired endpoints for the desired track log based on a user-specified time of at least one track log endpoint; and assigning actual endpoints for the desired track log based on the user-specified time for the desired endpoints and the set of track log points” recited in claim 31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendment of the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BELIX M. ORTIZ** whose telephone number is (571)272-4081. The examiner can normally be reached on **moday-friday 9am-5pm**.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Belix M Ortiz
Patent Examiner
Art Unit 2164
February 9, 2011

/Belix M. Ortiz/
Examiner, Art Unit 2164